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New York

SUMMARY RECORD OF THE 61st MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 7.25 p.m.

TRIBUTE TO THE MEMORY OF MR. CYPRIEN NTARYAMIRA, PRESIDENT OF BURUNDI AND OF MR. JUVENAL HABYARIMANA, PRESIDENT OF RWANDA

1. The CHAIRMAN, speaking on behalf of the members of the Committee, paid tribute to the memory of Mr. Cyprien Ntaryamira, President of Burundi, and of Mr. Juvenal Habyarimana, President of Rwanda. He requested the delegations of Burundi and Rwanda to convey the Committee's sincere condolences to their respective Governments and to the families of the two Presidents. He also expressed sympathy to the Belgian Government and to the families of the Belgian soldiers who had died in Rwanda in the service of the United Nations.

2. At the invitation of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Cyprien Ntaryamira, President of Burundi, and of Mr. Juvenal Habyarimana, President of Rwanda.

AGENDA ITEM 17: APPOINTMENTS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER APPOINTMENTS (continued)

(b) APPOINTMENT OF A MEMBER OF THE COMMITTEE ON CONTRIBUTIONS (continued) (A/48/102/Add.3; A/C.5/48/21/Add.1)

3. The CHAIRMAN drew attention to a note by the Secretary-General (A/48/102/Add.3) notifying the General Assembly that Mr. Imre Karbuczky (Hungary) had resigned from the membership of the Committee on Contributions. A candidate would therefore have to be appointed to fill the unexpired portion of Mr. Karbuczky's term of office, that is, until 31 December 1994. In the same document, the Secretary-General notified the Assembly that the Government of Latvia had nominated Mr. Uldis Blukis to fill the vacancy.

4. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to recommend by acclamation the appointment of Mr. Blukis to membership of the Committee on Contributions, for a term of office beginning on the day on which the appointment was approved by the General Assembly and concluding on 31 December 1994.

5. It was so decided.

AGENDA ITEM 133: FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA (continued) (A/C.5/48/L.62)

6. Mr. ACAKPO-SATCHIVI (Secretary of the Committee) informed the members of the Committee that, in paragraph 13 of draft resolution A/C.5/48/L.62 concerning the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO), the phrase "in the light of Security Council resolution 907 (1994)" had been replaced by the following: "pending the consideration of his report on the detailed financial and administrative implications arising from Security Council resolution 907 (1994)."

7. Mr. MERIFIELD (Canada), introducing the draft resolution in the place of the Rapporteur, noted that financing for the Mission would be assured up to the end of July 1994 by utilizing some of the unencumbered balance of appropriations and that, consequently, it would not be necessary to launch a new appeal for funds. He hoped that the draft resolution would be adopted without a vote.

8. Mr. KHENE (Algeria) recalled that it had been agreed to replace, in paragraph 15, the words "the Mission" by "MINURSO" and the phrase "the resumed forty-eighth session" by "the resumed session of the General Assembly".

9. Mr. ACAKPO-SATCHIVI (Secretary of the Committee) explained that document A/C.5/48/L.62 had been submitted the previous day, Thursday, 7 March. That was why it did not fully reflect the agreement which had been reached only that morning.

10. Mr. ZAHID (Morocco) observed that paragraph 15 could only refer to the resumed forty-eighth session of the General Assembly, at which the Secretary-General, in compliance with the above-mentioned paragraph, was required to submit a report before the end of April 1994. He hoped that in paragraph 15 of the French version, the word "question" would be deleted and the phrase "lui rendre compte" replaced by "lui faire rapport". It had been agreed that the review of the senior management structure of MINURSO would have to do with the post of Deputy Special Representative of the Secretary-General and the upgrading of that post to the rank of Assistant Secretary-General.

11. Mr. TAKASU (Controller) drew the attention of the members of the Committee to the fact that the gross amount of expenditure which the Secretary-General was authorized to commit, namely $3.7 million per month, should be sufficient to cover expenses for the month of April, but might be insufficient to cover expenses for the months of May to July. The Secretary-General might therefore be obliged to approach the Advisory Committee to request the amounts necessary for the operation of the Mission for the period from 11 May to 31 July 1994.

12. The CHAIRMAN said that, if he heard no objection, he would take it that the members of the Committee were ready to take action on draft resolution A/C.5/48/L.62, as orally amended.

13. It was so decided.

14. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.5/48/L.62, as orally amended, without a vote.

15. It was so decided.

16. Mr. GRANT (United States of America) said that, as his delegation understood it, the resumed session of the Assembly mentioned in paragraph 15 of the resolution did indeed refer to the resumed forty-eighth session.

17. Mr. ZAHID (Morocco) expressed satisfaction at the adoption of the draft resolution. He hoped that it would speed up the identification and registration activities leading up to the organization of a referendum before the end of 1994. Out of concern that MINURSO should have the resources to attain that objective, his delegation had made every effort during the elaboration of the draft resolution to provide the Mission with suitable senior management and with adequate funding. It was in that spirit, and in the light of the expansion of activities provided for in Security Council resolution 907 (1994), that it had proposed the reinstatement of a regular post of Special Representative, instead of using the services of a Special Representative only when the need arose, in accordance with the novel formula recommended by the Advisory Committee. For the same reasons, it had also proposed to restore the post of Assistant Secretary-General envisaged for the Deputy Special Representative in the first budget submitted by the Secretary-General, but not approved by the Advisory Committee. In the view of the Moroccan delegation, the formulation contained in paragraph 15 - which it had accepted to meet the concerns of certain delegations - meant that the General Assembly was inviting the Secretary-General to re-examine those two issues in the light of the Security Council resolution and to submit a report thereon to the Assembly at its resumed forty-eighth session, that is to say, before the end of April. Finally, his delegation hoped that the Advisory Committee would agree to reconsider its position.

18. Mr. KHENE (Algeria) expressed surprise at the repeated criticisms of his country by one delegation. Indeed, during the consideration of the draft resolution, his delegation's only concern had been to ensure adequate financing for MINURSO. It was surprised that the Moroccan delegation had persisted in its own interpretation of the Secretary-General's prerogatives. In contrast, in order to avoid complications that might lead to a deadlock, the Algerian delegation had attempted throughout the debate to preserve the status of the parties with due regard for the established procedures and to avoid politicization of the issue. It was in a spirit of compromise that it had accepted the mention in paragraph 15 of modalities of micro-management that were the responsibility of the Secretary-General.

19. The Moroccan delegation's sole aim in adducing irrelevant arguments in the course of a technical negotiation on the financing of a peace-keeping operation seemed to have been to create confusion. Thus, it had referred to Algeria as the "other party" knowing full well that Algeria was not a party to the conflict between the Kingdom of Morocco and the Frente POLISARIO but was concerned only as a neighbouring country whose cooperation was recognized, especially by the Secretary-General, as a sine qua non of the success of the peace plan. In that connection he recalled that Algeria was making an important financial contribution to MINURSO.

20. As an Algerian, he was unpleasantly surprised to hear the representative of Morocco, in unacceptable terms, casting doubt on the impartiality of the Bureau and, in particular, that of the Chairman of the Committee. When Morocco was sitting on the Security Council precisely when the Council was discussing the question of Western Sahara, the Algerian delegation had never gone so far as to claim that Morocco was both judge and judged because that would have been contrary to its conception of the code of conduct that should prevail in relations between States.

(Mr. Khene, Algeria)

21. The newspaper Al-Watan, which had been mentioned repeatedly by one delegation, was a new independent daily whose director had recently received a prestigious award in New York precisely in recognition of that independence.

22. The CHAIRMAN said that if he heard no objections, he would take it that draft resolution A/C.5/48/L.59 had been withdrawn as a result of the adoption of draft resolution A/C.5/48/L.62.

23. It was so decided.

AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/48/L.61)

24. The CHAIRMAN said that if he heard no objections, he would take it that the Committee wished to make an exception to rule 120 of the rules of procedure of the General Assembly in order to expedite the consideration of draft resolution A/C.5/48/L.61 without delay.

25. It was so decided.

26. Mr. DAMICO (Brazil), introducing draft resolution A/C.5/48/L.61 on behalf of the Chairman, said that by reaffirming in paragraph 1 its resolution 47/235 - particularly paragraph 6 of that resolution, which he read out - the General Assembly stressed the need to finance the Tribunal's activities through assessed contributions. He also drew attention to operative paragraphs 3 to 6 on voluntary contributions and to paragraph 7, where the Assembly accepted The Hague as the seat for the International Tribunal and defined its mandate. After highlighting the contents of operative paragraphs 8 to 12, he recommended that the draft resolution should be adopted without a vote.

27. The CHAIRMAN said that if he heard no objection, he would take it that members of the Committee were ready to take action on draft resolution A/C.5/48/L.61.

28. It was so decided.

29. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.5/48/L.61 without a vote.

30. It was so decided.

31. Mrs. PEÑA (Mexico) deplored the fact that no reference had been made to the allocation of additional resources in the text of the resolution. Although her delegation would come back to that issue during the consideration of the method of financing of the International Tribunal, it wished to reaffirm its opinion that the Tribunal should not be financed from the Organization's regular budget but from a special account funded on the basis of the scale of assessments used for the financing of activities under Chapter VII of the Charter.

32. Mrs. GOICOCHEA (Cuba) said that the Tribunal must be assured of secure and stable financing. The seat and method of financing of the Tribunal must be decided upon solely by the Member States. Like the representative of Mexico, she deplored the fact that the resolution did not contain a paragraph on additional resources. Moreover, the conditions of service of the judges should be finalized when the report requested in paragraph 11 of the resolution was considered. Her delegation attached great importance to the endorsement of resolution 47/235, in particular its paragraphs 2, 3, 4 and 6 as well as operative paragraph 7 of the draft resolution, in which the General Assembly accepted The Hague as the seat of the Tribunal and defined its mandate. In that connection, she would like the text of operative paragraph 7 of the Spanish version to be brought into line with paragraph 2 of Security Council resolution 827 (1993).

33. Mr. GOKHALE (India) said that his delegation had joined in the consensus on the understanding that the adoption of the draft resolution in no way prejudged the method of financing of the International Tribunal's activities. The expenses incurred by those activities should be allocated in conformity with the scale used for peace-keeping operations.

34. Mr. NDOBOLI (Uganda) welcomed the spirit of cooperation which had led to the adoption of the draft resolution. His delegation saw the debate as hinging on three points: the sole aim of the Tribunal was to judge crimes committed on the territory of the former Yugoslavia; its activities would be financed from resources other than those provided under the regular budget; it was up to the General Assembly to decide on the administrative and budgetary implications of its activities.

35. Mr. TAKASU (Controller) welcomed the adoption of the draft resolution. He hoped that the resources needed for the functioning of the Tribunal would be approved and collected with dispatch. The Secretariat was of the opinion that the authorization given by the General Assembly to the Secretary-General to enter into commitments for a maximum amount of $11 million for 1994 and to make the arrangements provided for under paragraph 10 of the draft resolution meant that the Secretary-General could take a number of measures immediately: offer the judges a fixed basic annual salary for the duration of their term; recruit the required staff for a year even though that would extend to the period beyond that of the spending authority; sign a four-year lease for the necessary premises including detention facilities. Should the cash flow of the Organization cause problems in meeting the Tribunal's needs, the Secretary-General would inform Member States so that they could take the necessary action.

36. Mr. BARIMANI (Islamic Republic of Iran) said that the Controller's statement should be distributed to the delegations.

AGENDA ITEM 136: FINANCING OF THE UNITED NATIONS PROTECTION FORCE (continued) (A/48/690/Add.1 and 2 and A/48/878/Add.1)

37. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in its report of 21 March 1994 (A/48/819/Add.2) the Fifth Committee had recommended to the General Assembly, which had agreed, that the Secretary-General should be authorized to enter into commitments at a

rate not to exceed $95.4 million gross ($94.5 million net) per month for the period from 1 April to 31 July 1994 should the Security Council decide to extend the mandate of UNPROFOR. The amount to be apportioned among Member States ($286.2 million gross, $283.5 million net) corresponded to the expenses not for four months, but for only three months, on the basis of a force of 34,700 contingent personnel, including 8,105 support staff.

38. The Security Council had subsequently extended the mandate of the Force for six months. In his report (A/48/690/Add.1), the Secretary-General proposed an increase of 8,250 contingent personnel, 150 military observers and 275 civilian police monitors, and requested authorization to enter into commitments for that purpose in the amount of $151.2 million gross ($150.9 million net) for the period from April to July, as indicated in paragraph 3 of the report of the Advisory Committee (A/48/878/Add.1). In paragraph 12 of his report, the Secretary-General requested the General Assembly to apportion among Member States the amount of $48.8 million gross ($48.6 million net) to cover the recurring costs based on the extension of the mandate of UNPROFOR. In its resolution 908 (1994), however, the Security Council had authorized an increase in the personnel of the Force of up to 3,500 troops, 20 military observers, 120 support staff and 20 civilian police monitors.

39. After having examined the Secretary-General's proposals, the Advisory Committee recommended that the General Assembly should authorize commitments in the amount of $63.7 million gross for the period from April to July 1994, which would correspond to the limited strengthening of the Force approved by the Security Council.

40. Moreover, in paragraph 4 of his report A/48/690/Add.2, the Secretary-General requested the General Assembly to apportion the amount of $20.8 million ($20.7 million net). He believed that developments might require an increase in the strength of the Force, but he had not obtained precise details from the Secretariat in that connection. He personally was therefore not convinced that it was essential to apportion an additional amount at the current stage. The best solution therefore seemed to be to authorize the Secretary-General to enter into the commitments requested ($63.7 million gross, $63.6 million net) pending the receipt by the Advisory Committee of any further information which might come to light before the beginning of May and which might justify the apportionment of a further $20.8 million. The Secretary-General would also be submitting a detailed report on the financing of UNPROFOR by 15 June 1994.

41. Mr. TAKASU (Controller) said that the report of the Secretary-General (A/48/690/Add.1), dated 28 March 1994, gave the estimated cost for the enlargement of the mandate of UNPROFOR (consolidation of the cease-fire in and around Sarajevo, and ensuring freedom of movement for the civilian population and the delivery of humanitarian goods) decided by the Security Council in resolution 900 (1994). On 31 March 1994, the Security Council had adopted resolution 908 (1994) extending the mandate of UNPROFOR for a six-month period and authorizing an increase in troop strength of 3,660, on the understanding that it would take a decision before 30 April 1994 on the further troop requirements recommended by the Secretary-General. The Secretary-General had then drawn up new revised estimates (A/48/690/Add.2), in which all the estimated

(Mr. Takasu)

costs, with the exception of those for aircraft, had been reduced by 58 per cent to bring them into line with the number of troops authorized by resolution 908 (1994). Additional commitment authorization for expenditure in the amount of $63.6 million over a four-month period was therefore required. The Secretary-General thus requested authorization to spend an additional $15.9 million gross per month, as well as the apportionment of an amount of just over $20 million, corresponding to the total amount of renewable expenses which must absolutely be met.

42. The Special Account for UNPROFOR had a credit balance of approximately $100 million. In mid-April $31 million would have to be reimbursed to troop-contributing countries, and the monthly expenditure was of the order of $77 million. New contributions must therefore be received before the end of the month, and for that reason the Secretary-General had deemed it wise, taking into account the delays in payments, to request the apportionment of the $20 million in question.

43. Mr. MERIFIELD (Canada) expressed his amazement at the idea that a decision should be taken on proposals which had just come to the attention of his Mission. He had no doubt that his Government would agree to them in principle, but it had been absolutely impossible for him to consult it.

44. He wished to know if the Advisory Committee had received document A/48/690/Add.1 before the end of its session on 31 March, and, if so, why delegations had not received it at the same time. He also wondered why Member States had not been informed that additional estimates would be submitted so soon after the previous debate on the financing of UNPROFOR. Finally, his delegation would be proposing considerable modifications.

45. Mr. DANKWA (Ghana) shared the surprise of the representative of Canada. In the light of the report of the Advisory Committee, as orally amended by its Chairman, and in view of the lack of adequate information referred to in the last paragraph thereof, there seemed to be no point in the Committee spending any more time on the question until it was better informed. In the circumstances, moreover, the Advisory Committee would probably have decided the matter itself if the Assembly had not been in session.

46. As far as the funding situation was concerned, he would have preferred the Controller to indicate the amount of outstanding contributions, because new assessments would not resolve the problem if the amounts due were not paid. His delegation fully supported the personal position taken by the Chairman of the Advisory Committee: if the situation required that the Secretary-General should be authorized without delay to enter into commitments for expenditures essential to the implementation of Security Council decisions, the apportionment of additional amounts must still be justified. Ghana also intended to propose amendments to the draft resolution.

47. Mr. STITT (United Kingdom) acknowledged that it would be paradoxical for his country to oppose an assessment authorization when it paid its contributions within 30 days, already had a considerable number of troops in the field and had just sent reinforcements, and would receive a portion of the sums that the aforementioned assessment would help to reimburse. Nevertheless, he was not authorized to vote in favour of it.

48. The problem lay not with the substance but with the form. Admittedly, the Secretariat was to be commended on the speed with which it had drawn up the estimates, and it could not be criticized for having modified them because of an unexpected decision by the Security Council. As for the Advisory Committee, it had carried off one of its trademark feats by reviewing figures which had been submitted six days after the end of its session. His delegation must, however, express some reservations regarding a recommendation that an additional amount should be apportioned, but the matter could no doubt be settled without wasting too much time. On the other hand, his delegation had been quite disturbed to learn from that morning's Journal that two items had just been added to the two which the Committee had decided to consider when it had adjourned on 31 March. More discipline was needed in the organization of work, especially since it was hardly useful to include items in the agenda for which no delegation had been able to prepare. Finally, if the Fifth Committee and the Advisory Committee must continue to meet on an ongoing basis, that should be taken into account in the organization of work.

49. Mr. KELLY (Ireland) asked what proportion of the $286 million apportioned among the Member States at the end of March had been received. When the Advisory Committee had submitted its report, he had understood that it was not recommending the apportionment of any specific amount in the immediate future. Yet in paragraph 7 of the report in question, the Advisory Committee recommended that the General Assembly should apportion the amount of $20,794,000 gross. He would welcome clarification on that matter.

50. Mr. SPAANS (Netherlands) said that his delegation had not had time to study document A/48/878/Add.1 and that it had not received instructions from its Government. It was a well-known fact that the Netherlands was not sparing in its support for peace-keeping operations in general and for UNPROFOR in particular, but it would be dangerous to countenance a procedure which did not afford Member States an opportunity to give serious consideration to the budget proposals submitted to them or which limited them to a passive role. Furthermore, during the informal consultations, the representatives of the Secretariat had indicated on several occasions that at least 90 days would be needed to draw up a budget for UNPROFOR. His delegation would like to receive some explanation of the operating methods of the Secretariat when it drew up the budgets for peace-keeping operations.

51. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), replying to the representative of Canada, said that the report of the Secretary-General (A/48/690/Add.1) had been transmitted to the Advisory Committee in the form of a preliminary text in English, only a few days before the end of its session. The Advisory Committee had then, on the basis of the Secretary-General's proposals, approved recommendations relating to commitment expenditures in the amount of $151.2 million gross

(Mr. Mselle)

($150.9 million net) and the apportionment of the sum of $48.8 million gross ($48.6 million net) for the period from 1 April to 31 July 1994.

52. Just before the closure of its session, the Advisory Committee had been informed that the Security Council would soon take a decision whereby it would limit the expansion of the Force proposed by the Secretary-General. As the new budget estimates (A/48/690/Add.2) had not yet been available, the Advisory Committee had authorized its Chairman to revise proportionately the figures which appeared in its recommendations on the basis of the number of personnel approved by the Security Council. The amounts initially recommended, which corresponded to the requests formulated in the Addendum to the report of the Secretary-General, represented a ceiling and it was understood that the Advisory Committee would accept the Secretary-General's latest proposals, which were revised downwards. However, after the issuance of document A/48/690/Add.2 and the adoption by the Security Council of resolution 908 (1994), he had felt that the evolution of the situation in the field might lead the Secretary-General to repeat his request for the Advisory Committee's approval of supplementary commitments by the end of April on the basis of a possible decision by the Security Council. For that reason he had indicated that the apportionment of the sum mentioned in paragraph 7 of the Advisory Committee's report ($20.8 million gross, $20.7 million net) was perhaps not necessary at the current stage.

53. Ms. SAEKI (Japan) observed that, from a procedural point of view, it was difficult for her delegation to give its opinion there and then on an authorization to enter into commitments; it was, however, equally difficult to wait until 25 April, as the Chairman had suggested. Since the Security Council could meet at any time in the event of an emergency, she did not see why the Committee could not do likewise.

54. Mr. STITT (United Kingdom) noted that many delegations were not in a position to approve an assessment during the current meeting. However, in view of the urgency of the situation, he proposed that the first three paragraphs of the text submitted by the Chairman should be adopted. The second and third paragraphs would be combined and the words "Having considered" would be replaced by the words "and pending its consideration of". The new draft decision would thus consist of two paragraphs.

55. Mr. TAKASU (Controller), replying to the representative of Canada, described the process which had resulted in the issuance of the reports under consideration. He recalled that the initial estimates of expenditure, drawn up following the adoption of Security Council resolution 900 (1994), had been issued on 28 March in document A/48/690/Add.1 and transmitted to the Advisory Committee towards the end of its session. The estimates had subsequently been revised following the adoption of Security Council resolution 908 (1994) and were the subject of a second addendum, dated 6 April. It was clear that the Secretariat could not predict the nature of a decision which was to be taken by the Security Council. In its resolution 48/238, the General Assembly had authorized the Secretary-General to enter into monthly commitments for the maintenance of UNPROFOR in an amount not to exceed $95.4 million for the period from 1 April to 31 July 1994, should the Security Council decide to extend its

mandate. That mandate had been not only extended, but enlarged. It was impossible to meet the resulting additional expenditures from the amounts already approved by the General Assembly.

56. The period of 80 to 90 days mentioned during the informal consultations represented the minimum time needed for the Secretariat to draw up a detailed budget for an operation such as UNPROFOR, with full information and an analysis of previous expenditures. In the current instance, it had taken only about a month to draw up the budget because standard costs had been utilized. The Secretary-General intended to include detailed estimates of expenditures in the report on the financing of UNPROFOR which he would be submitting to the General Assembly no later than 15 June 1994.

57. With regard to the assessed contributions, he indicated that, of the $286 million recently apportioned, approximately $34 million had been received.

58. Ms. ROTHEISER (Austria) said that, in the light of the reluctance expressed by several delegations, the Committee might take a decision only on those measures that were strictly necessary. Indeed, it would be sufficient to adopt subparagraph (c) of the draft decision submitted by the Chairman and defer pending questions to the next meeting.

59. Mr. MERIFIELD (Canada) considered that a reference to the difficulties faced by the Committee because of the late submission of documents should be included in the draft decision. He pointed out that the relevant documents had been submitted to the Committee only on 8 April and that it had therefore been unable to consider the estimates. However, since a decision had to be taken as a matter of urgency, his delegation would have no difficulty in accepting subparagraph (c).

60. Mr. DANKWA (Ghana) suggested that the Rapporteur should mention in his report to the General Assembly the difficulties the Committee had encountered with the draft decision which had been proposed and that the Committee should, at the same time, submit a recommendation on the authorization to enter into commitments.

61. Mr. MERIFIELD (Canada) said he was ready to approve a draft decision that only included subparagraph (c) on the understanding that the Rapporteur, in his report to the Assembly, would indicate that, as the documentation had not been submitted in time, it had not been possible to adopt subparagraph (d).

62. Mr. DANKWA (Ghana) and Mr. STITT (United Kingdom) supported the proposal of the representative of Canada.

63. The CHAIRMAN said he took it that the Committee would therefore wish to proceed in the following manner: the Rapporteur, in his report to the General Assembly, would indicate that the relevant documents had been submitted late and that the Committee had not been in a position to consider them fully but that, in view of the urgency of the situation, it had decided to adopt the following draft decision: "The General Assembly, decides to authorize the Secretary-General to enter into additional commitments for the maintenance of

(The Chairman)

the Force for the period 1 April to 31 July 1994 at a rate not to exceed $15.9 million gross ($15.8 million net) per month."

64. If he heard no objection, he would take it that the Committee was ready to take action on the draft text he had just read out.

65. It was so decided.

66. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft decision under consideration, without a vote.

67. It was so decided.

68. Ms. SAEKI (Japan) welcomed the adoption of the draft decision but reaffirmed that the question of the apportionment of the necessary expenditures should be dealt with formally as soon as possible. In the meantime, consultations should be held on that matter with the Secretariat.

RIGHTS OF REPLY

69. The CHAIRMAN reminded the Committee of the rules of procedure applicable to the exercise of the right of reply.

70. Mr. ZAHID (Morocco), speaking in exercise of his right of reply, said he had known that the Chairman would invoke the rules of procedure in his case whereas he had not done so when the representative of Algeria had exercised his right of reply in the form of an explanation of position after the adoption of the decision on the financing of MINURSO.

71. At the end of his statement, the representative of Algeria had praised the newspaper Al-Watan, "a new independent daily", which the Moroccan delegation had in no way criticized. However, in the interests of objectivity, the Algerian representative ought to explain how that newspaper had been able to publish articles concerning the deliberations of the Advisory Committee on such a technical matter as the conditions of employment of the Special Representative, even though the General Assembly had not been informed of it.

72. With regard to the partiality of the members of the Bureau and the Chairman, the recordings of the discussions were evidence of what had actually happened. He merely wished to draw attention to certain facts. On 31 March, after informal consultations which had not led to a consensus, he had approached the Chairman of the Committee outside the meeting room to ask about his intentions concerning the draft resolution. The Chairman had stated that if the Moroccan delegation had amendments to propose it should do so in the plenary meeting. On entering the room, he had been surprised to note that a text shown as coming from the Chairman had been placed on the table and that everything seemed ready for a vote. It was true that, the same morning, the Chairman had referred to the possibility of taking a vote. He (the representative of Morocco) had been under the impression that the Chairman was referring to MINURSO, but he might have been mistaken, in which case he apologized.

(Mr. Zahid, Morocco)

73. In any case, when he had asked the Chairman when the text that had been submitted in the latter's name would be considered, he had been told that the text had been withdrawn. When he had taken up the text in question with amendments on behalf of his own delegation, the Algerian delegation had invoked the rules of procedure which the Chairman had just waived during the discussion of other matters for which the Committee did not have the required documents. Faced by that situation - in other words, a text submitted orally by the Moroccan delegation which had been opposed only by the Algerian delegation - the Chairman had decided to suspend the meeting to enable the Secretariat to reproduce the text. However, the Chairman was aware that the Moroccan proposal was included in the text that had been withdrawn (A/C.5/48/L.59). The amendments could thus have been read out slowly, in accordance with the usual practice, and incorporated in the original text. That would have enabled the Committee to take a decision; there had been no objection to that apart from the one raised by the Algerian delegation. When the meeting had resumed, the Chairman, going back on his decision, had stated that the Moroccan delegation was well aware of the rules governing the submission of texts. That was freely admitted, but his delegation had been under the impression that the Chairman, who had earlier agreed to waive the rules, would for once have shown himself to be even-handed towards it.

74. During the meeting devoted to the consideration of the financing of MINURSO the Chairman had, on the pretext of streamlining the Committee's work, decided to put an end to the discussion that had been taking place between the Moroccan and Algerian delegations, and had gone so far as to announce that the Moroccan representative was being given the floor for the last time. The Chairman normally allowed the discussion to continue until it was finished. Contrary to some innuendoes, when he, in his capacity as Vice-Chairman, had presided over meetings of the Committee, he had never refused any delegation the right to express its concerns. As he had stressed at an informal meeting, his delegation had not been treated objectively. Nevertheless, he would not have raised the issue of the Chairman's bias if the Algerian delegation had not reopened the subject, even though it had already exercised its right of reply at an informal meeting.

75. The Algerian delegation had also reopened the question of referring to Algeria as a party. During informal consultations, the representative of Morocco had wished to reaffirm that Algeria had the status of an observer to the settlement plan, as did the so-called Frente POLISARIO. The plan provided for Algeria and the Frente POLISARIO, among others, to participate as observers in the work of the Identification Commission, it being understood that the Commission and the tribal chiefs would carry out the tasks of identification per se. In addition, in the most recent letter which it had addressed to the Security Council during the consideration of the resolution on Western Sahara, Algeria had declared that it was interested in MINURSO "at the highest level". To describe Algeria as a party was not an insult and should not give rise to a right of reply. His delegation had taken note of Algeria's concern, as a neighbouring country, with expediting a settlement of the question.

76. His delegation had never sought to politicize the issue and had confined itself to the technical aspects - budget items and funds. Moreover, it was

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specifically to ensure full respect for the respective roles of the various competent bodies that Morocco had raised the question of the status of the Special Representative and his assistant. In the case under consideration, the Advisory Committee should have submitted its recommendations to the General Assembly, not to the Secretary-General.

77. His delegation had been accused of using arguments likely to cause confusion, whereas, on the contrary, it had always been in favour of clarity. It would be easy for him to show who, in the current instance, was attempting to sow confusion. His delegation would simply recall that it was because of the Algerian delegation's objection that it had not been possible to include the reference to the forty-eighth session in paragraph 15 of the draft resolution.

78. The CHAIRMAN drew attention once again to the rules governing rights of reply.

79. Mr. KHENE (Algeria), speaking in exercise of the right of reply, reaffirmed that his statement had been an explanation of position, and noted that his remarks had been confirmed by the representative of Morocco. He wished to stipulate that when the Moroccan delegation had referred to the newspaper Al-Watan, it had been seeking to give the impression that the said newspaper was a mouthpiece for the Algerian Government. Moreover, he failed to understand to which article Morocco could have been referring; he stressed that Algeria no longer had a representative on the Advisory Committee.

80. As to the designation of Algeria as "the other party", that was an extremely grave act which called for clarification at an official meeting. The choice of terms excluded the possibility that there could be more than two parties. However, the conflict was between Morocco and the Frente POLISARIO, not between Algeria and Morocco. His delegation stressed that it had acted as it always did during discussion of peace-keeping operations, and that it attached at least as much importance as other delegations to the success of the peace process and the role of MINURSO.

81. Mr. ZAHID (Morocco), speaking in exercise of the right of reply, said that Algeria had had a representative on the Advisory Committee at the time when the daily Al-Watan had published the article in question. As to the wish to sow confusion, which his delegation had been accused of harbouring, it was regrettable that a reference to official documents, such as the settlement plan, Security Council resolutions, or letters exchanged between the Advisory Committee and the Secretary-General, could have sown confusion in the minds of the Algerian delegation.

82. Contrary to the provocative remarks of the Algerian representative, he had never challenged Algeria, merely some views expressed by the Algerian delegation. He thanked the Algerian delegation for having allowed him to speak a second time, while regretting that he had been compelled to speak in exercise of the right of reply on two occasions.

83. Mr. KHENE (Algeria) said that he failed to understand why the representative of Morocco would thank him for having given him the floor, since he was not the Chairman of the Committee. That most definitely was a source of confusion.

The meeting rose at 10.10 p.m.